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8 Attorney for Defendant
9 JOSEPH McELROY

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13
14 UNITED STATES OF AMERICA,) NO. CR S-05-167-DFL
15 v. Plaintiff,)
16 JOSEPH McELROY,) STIPULATION CONTINUING STATUS
Defendant.) CONFERENCE AND EXCLUDING TIME;
) ORDER
) Date: November 30, 2006
) Time: 10:00 a.m.
) Judge: Hon. David F. Levi
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18 A status conference in this matter is currently scheduled for
19 November 2, 2006. Plaintiff United States of America and Defendant
20 JOSEPH McELROY, through their respective attorneys, hereby stipulate
21 and agree to continue the status conference until November 30, 2006 at
22 10:00 a.m.

23 The investigation of this case is ongoing and Mr. McElroy's
24 attorney needs additional time to prepare.

25 The parties further stipulate and agree that the time period from
26 today, November 1, 2006, to November 30, 2006 be excluded under the
27 Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4,
28 because the failure to grant such a continuance would deny counsel for

1 the defendant the reasonable time necessary for effective preparation,
2 taking into account the exercise of due diligence.

3 Dated: November 1, 2006

Respectfully submitted,

5 /s/ Daniel J. Broderick
6 DANIEL J. BRODERICK
7 Federal Defender
Attorney for Defendant
JOSEPH MCELROY

8 Dated: November 1, 2006

9 MC GREGOR W. SCOTT
10 United States Attorney

11 /s/ Kenneth J. Melikian
12 KENNETH J. MELIKIAN
13 Assistant U.S. Attorney
Attorney for Plaintiff

14 **O R D E R**

15 IT IS HEREBY ORDERED that the status conference in this case,
16 currently scheduled for November 2, 2006, shall be continued to
17 November 30, 2006 at 10:00 a.m. IT IS FURTHER ORDERED that, for the
18 reasons stated in the stipulation, the time period from November 1,
19 2006 to November 30, 2006, be excluded under the Speedy Trial Act, 18
20 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4, because the failure to
21 grant such a continuance would deny counsel for the defendant the
22 reasonable time necessary for effective preparation, taking into
23 account the exercise of due diligence.

24 Dated: November 2, 2006

25 /s/ David F. Levi
26 DAVID F. LEVI
27 United States District Judge